

REMARKS

This Amendment and Response is submitted in response to the Office Action mailed 14 JANUARY 2004. Withdrawal of the rejection and reconsideration with an eye toward allowance is respectfully requested.

Claim Status

Claims 16-31 are pending after entry of the present amendment. Claims 13-15 stand rejected. Claims 16-31 are added herein. A complete listing of all claims that are, or were in the application, along with an appropriate status identifier, is provided above in the section entitled "Amendments to the Claims".

Support for the above claim amendments can be found throughout the originally filed specification, drawings, and claims. See, for example, pages 8-9 and Figure 3.

Claim Rejections – 35 U.S.C. §102

As a preliminary matter, Applicants note that the changes made by the American Inventors Protection Act of 1999 (AIPA) to 35 U.S.C. §102(e) and the Intellectual Property and High Technology Technical Amendments Act of 2002 (H.R. 2215) do apply to the present application, and the present rejection. The Examiner states that the changes to not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. However, there is no indication that the reference (U.S. Patent Number 6,070,147 to Harms) resulted directly or indirectly from an International Application filed before November 29, 2000. Accordingly, Applicant submits that the application be examined under §102(e) as amended by AIPA and H.R. 2215.

Claims 13-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Harms (U.S. Patent Number 6,070,147). Applicant has cancelled claims 13-15, rendering the rejection moot. However, in the interest of furthering prosecution of the application, Applicant will discuss new claims 16-30 in light of the Harms reference. Applicant respectfully submits that Harms fails to teach "receiving, via, the communications link of the customer-response unit, content for presentation at the customer-response unit during the transaction" as recited in independent claim 16 or "a customer-response unit coupled to the cashier-side unit, the customer-response unit comprising: an interface to a content-provider for receiving content for presentation," as recited in independent claim 25.

Harms discloses an identification terminal 15 (see FIG. 1). "The identification information gathered by the identification terminal 15 can be represented as an identification data record" (see col. 5, lines 39-51). Harms discloses a register 3 (see FIG. 1) "The purchase information that is acquired by the register 3 (and associated equipment) can be represented by a purchase data record" (see col. 5, lines 62-64). Harms then discloses that, "the identification data record and the purchase data record are

Serial No.: 09/628,567
Filing Date: 31 JULY 2000

passed to a communications device 18 and combined into the marketing data record". Accordingly, Applicant submits that Harms is limited to disclosure of a communications device 18 coupled to a register and an identification terminal.

Accordingly, Applicant submits that the new claims are patentable over the cited art, including Harms.

CONCLUSION

Prompt and favorable consideration of this Amendment and Response is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to call the undersigned at (415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY tLLP

By _____
Jennifer M. Lane, Patent Agent, Reg. No. 51,916
for R. Michael Ananian, Reg. No. 35,050
Attorney for Applicants
Filed under 37 C.F.R. §1.34(a)

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249
SF-1136833